

Background info:

<http://washingtonexaminer.com/convicted-felon-designed-epas-playbook-for-faking-science/article/2550625>

An Act to preserve the ability of Montana citizens to heat structures by burning firewood.

NEW SECTION. Section 1. Legislative findings. The legislature finds that:

- a. Wood from dead or dying trees is an important natural resource in Montana;
- b. Montana's public and private forests need and benefit from extraction of dead or dying timber;
- c. Burning wood for structural heat uses a renewable resource that is affordable and carbon neutral;
- d. Many Montana citizens are logistically or economically dependent on burning wood to heat structures. For some, wood burning may literally mean the difference between survival and non-survival;
- e. Federal regulations that make burning wood to heat structures more difficult, more expensive, or impossible are contrary to the needs and best interests the citizens of Montana;
- f. In its Compact with the United States, Montana has retained all police powers. In its Compact with the United States, Montana did not cede the power to regulate wood burning devices in Montana to the United States; and
- g. The state of Montana intends to fully and exclusively occupy the regulatory area concerning wood burning for heating structures.

NEW SECTION. Section 2. Definitions. As used in [this Act], the following definitions apply.

- a. "Structure" means any residence, barn, shop, garage, or commercial building, or any other building that is not industrial in nature.
- b. "Current limits" means 15 micrograms of particulate per cubic meter of air.

- c. "Wood burning devices" includes wood burning stoves for heating and cooking, fireplaces, and any other wood burning apparatus traditionally used in structures.

NEW SECTION. Section 3. Prohibition. No state agency, political subdivision of the state, or person may adopt or enforce any regulation upon new wood burning devices that impose particulate limits more restrictive than current limits.

NEW SECTION. Section 4. Grandfathering. No state agency, political subdivision of the state, or person may adopt or enforce any regulation upon wood burning devices that have been installed and in use prior to January 1, 2015.

NEW SECTION. Section 5. Change of ownership or use. No state agency, political subdivision of the state, or person may adopt or enforce any regulation upon wood burning devices that requires wood

burning devices to be disused, replaced or removed in connection with change of ownership or change of use of a structure or property. No governmental permission for use or occupancy of a property may be made conditional upon disuse, replacement or removal of one or more wood burning devices.

NEW SECTION. Section 6. Exception. The provisions of [this Act] do not apply to regulations adopted and enforced specifically for fire safety.

NEW SECTION. Section 7. Enforcement. Any state agency or political subdivision of the state which violates any provision of [this Act] becomes immediately ineligible to receive any funds appropriated by the legislature, whether such funds are appropriated directly or transferred through other agencies. Any public employee or office holder who violates any provision of [this Act] is deemed to have satisfied cause for prosecution for official misconduct under 45-7-401. Any person who violates any provision of [this Act] is subject to civil suit in which the court adjudicating the suit may award the plaintiff court costs, attorney fees, compensatory damages, and punitive damages. If any employee of the state or any political subdivision of the state violates any provision of [this Act], that act in violation is outside the official duties of that employee, is a personal and private act of the employee, and the